



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Rosenblum, M. & Mehta, K.

FILED: January 7, 1999

SERIAL NO.: 09/226,895

FOR: Potentiation of Anti-CD38-
Immunotoxin Cytotoxicity

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ART UNIT:
1643

EXAMINER:
Canella, K.

DOCKET:
6205

Honorable Commissioner for Patents
BOX AF
Washington, D.C. 20231

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
AND CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8**


Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences the decision dated May 22, 2001 from the Primary Examiner, rejecting claims 5-11. Applicants further submit that, as the Examiner has indicated an Advisory Action will be mailed November 21, 2001 and as Applicants submitted a Response after Final on July 9, 2001 within two months of the May 22, 2001 mailing date of the Final Office Action, that the period for reply expires on the mailing date of the Advisory Action and, thus, no extension fees are required. However, should Applicants err in this assessment, please debit any extension fees due under 37 C.F.R. §1.17(b) and the \$160 fee under 37 C.F.R. §1.17(b) for the Notice of Appeal or any additional fees due from Deposit Account 07-1185.

I hereby certify under 37 CFR 1.8 that the following correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to Honorable Commissioner of Patents, Box AF, Washington, DC 20231. Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

Date: Nov 21, 2001
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